



**BOARD OF SUPERVISORS OF FAUQUIER COUNTY
WARREN GREEN BUILDING
10 HOTEL STREET
WARRENTON, VIRGINIA 20186**

MINUTES

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
SEPTEMBER 9, 2010 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

**PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN
FINANCIAL REPORTING**

Mr. Nyhous presented a Certificate of Achievement for Excellence in Financial Reporting to Janet Romanchyk, Director of Finance, and members of the Finance Department staff.

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**REZN10-CT-003 AND SEAM10-CT-001 - RAYMOND FARM, L.C.
(OWNER/APPLICANT) -PIN #6995-21-1875-000, CENTER DISTRICT - APPLICANT
WISHES TO AMEND A PREVIOUSLY APPROVED REZONING TO MODIFY THE
ASSOCIATED PROFFERS. APPLICANT ALSO WISHES TO AMEND A
PREVIOUSLY APPROVED SPECIAL EXCEPTION TO MODIFY THE CONDITIONS
OF APPROVAL**

Susan Eddy, Chief of Planning, reviewed with the Board of Supervisors the applicant's request to amend previously adopted proffers and previously approved Special Exception conditions. The wastewater treatment system was proffered to be maintained and monitored by the Fauquier County Water and Sanitation Authority (FCWSA). The applicant is now requesting that the proffers be amended so that the wastewater system would be deeded to a private entity for operation and maintenance. Similarly, the applicant is requesting that instead of having the system designed to FCWSA standards and conveyed to FCWSA for ownership, maintenance and monitoring, that the system be designed instead to Virginia Department of Health (VDH) Standards and deeded to an entity approved by VDH for maintenance and monitoring. Earl

Sutherland, Vice President of Patton Harris Rust & Associates, provided an evaluation of the revised design of proposed wastewater treatment and disposal facilities. Also present for the discussion were representatives from the Water and Sanitation Authority, the Health Department, the Parks & Recreation Board, and the attorney for the applicant.

A WORK SESSION WITH JAMES RICH, COMMONWEALTH TRANSPORTATION BOARD MEMBER

Board members met the Commonwealth Transportation Board's newest member, James Rich, to discuss matters of mutual concern regarding the Virginia transportation system.

A WORK SESSION TO DISCUSS FARM EQUIPMENT ROAD SAFETY

Susan Eddy, Chief of Planning, reviewed with the Board of Supervisors the Transportation Committee's recommendations to increase public awareness of traffic issues relating to farming community activities and to provide education on farm equipment road safety.

A CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA TO DISCUSS LEGAL ISSUES RELATED TO THE RAYMOND FARM PROFFER AMENDMENT AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS AND TO DISCUSS LEGAL ISSUES RELATED TO TELECOMMUNICATIONS TOWERS AND ANTENNAS

Mr. Nyhous moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters relating to the Raymond Farm proffer amendment and special exception amendment applications, and to discuss legal issues related to telecommunications towers and antennas. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Upon reconvening from the closed meeting, Mr. Nyhous moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 9th day of September 2010, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 P.M. Mr. Nyhous stated that Mr. Graham would be absent from this evening's proceedings due to illness.

INVOCATION

Mr. Stribling offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Stribling invited members of Boy Scout Troop #180 to lead the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Nyhous moved to adopt the agenda with the following changes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

- Remove Consent Agenda item #6(j), A Resolution Establishing an Outline Code of Development for Use in the Mixed Use Special District - Bealeton Service District (MU-Bealeton) and the Planned Residential Development (PRD) District; and the Initiation of Zoning Ordinance and Subdivision Ordinance Text Amendments Related to the MU-Bealeton District and PRD Districts, and add as new Regular Agenda item #9.
- Add new Consent Agenda item #6(j), A Resolution to Authorize the County Administrator to Submit a Finding of Concurrence for a Temporary Pump and Haul Permit for Range 82, LLC.
- Reverse the order of Public Hearing item #6, A Resolution to Consider SPEX10-MA-020 and SPPT11-MA-003 - Mountainside Montessori School (John Barton Payne Road) - A Category 5 Special Exception to Allow a Primary School, On a Temporary Basis, At the

Current Preschool Location. Applicant Also Wishes To Amend A Category 5 Special Permit In Order To Operate The Existing Preschool In Conjunction With The Proposed Elementary School - PIN #6947-10-9444-000, Marshall District), and Public Hearing item #7 (A Resolution To Approve SPEX10-SC-021, SPEX11-SC-001, And SPPT10-SC-026 - Mountainside Montessori School (Belvoir Road) - A Category 5 Special Exception To Operate A Primary School; A Category 5 Special Permit To Operate A Preschool; And A Category 30 Special Exception To Waive The Public Sewer Requirement At The Site - PIN #6979-68-0106-000 And PIN #6979-68-1478-000, Scott District.

CITIZENS' TIME

- Jim Atkins, Chairman of the Cherry Blossom Breast Cancer Foundation, announced that on October 10, 2010, the organization is hosting a fundraising event at the Warrenton Greenway, and he encouraged citizens and County staff to participate.
- Todd Benson, representing the Piedmont Environmental Council, thanked the Board of Supervisors for opting to schedule a public hearing relating to Regular Agenda item #7, regarding the proposed Millfield Subdivision Proffer Amendment to allow for the development of two group homes for adults with intellectual disabilities.
- Linda Dick, Center District, expressed her concern about the Wal-Mart grocery store expansion. She also spoke in favor of the proposed homes for adults with intellectual disabilities within Millfield Subdivision.
- Jennie Smith, Cedar Run District, spoke in favor of the proposed Millfield community housing project for adults with developmental disabilities.
- Dora Vernessa Samuel, Cedar Run District, spoke in support of a group home in Millfield subdivision for disabled adults.
- Jane Burnette, Scott District, spoke in support of a group home for disabled adults in Fauquier County.
- Lynne Blythe, Lee District, spoke in support of a group home for disabled adults in Fauquier County.
- Colin Borgstrom, Center District, stated he is an adjacent property owner to one of the proposed group homes in Millfield subdivision and is in support of the project, with specific conditions and limitations to assuage concerns expressed by neighbors.
- Sarah Slader, Center District, stated she is a neighbor of the proposed group in Millfield and stated she needs more information to address her concerns about the project.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Nyhous presented to Mrs. Anita Sutherland and Mr. Mark Digiulian a Proclamation Honoring the Life of Dennie Milton Sutherland.

- Mr. McCulla recognized Joe Rosseti and Terry Lasher of the Virginia Department of Forestry who presented Fauquier County funds in the amount of \$7,778.25 representing the net proceeds from the timbering of woodland at Whitney State Forest. Mr. McCulla stated that these funds will be used for improvements to Whitney State Forest in accordance with the previous Resolution of the Board of Supervisors adopted on July 8, 2010.

CONSENT AGENDA

Mr. Trumbo moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: ***Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo***
Nays: ***None***
Absent During Vote: ***Mr. Raymond E. Graham***
Abstention: ***None***

Minutes of the August 12, 2010 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution Authorizing The Proposed First Addendum To The Sports Fields Maintenance And Concessions Agreement With The Fauquier County Soccer Club For The Northern Sports Complex And Community Park

RESOLUTION

A RESOLUTION AUTHORIZING THE PROPOSED FIRST ADDENDUM TO THE SPORTS FIELDS MAINTENANCE AND CONCESSIONS AGREEMENT WITH THE FAUQUIER COUNTY SOCCER CLUB FOR THE NORTHERN SPORTS COMPLEX AND COMMUNITY PARK

WHEREAS, the Board of Supervisors and Fauquier County Soccer Club has executed an agreement dated August 17, 2009, for the maintenance, supervision, and operation of specific facilities at the Northern Sports Complex and Community Park; and

WHEREAS, Fauquier County Soccer Club is desirous of making improvements to two fields at the Park; and

WHEREAS, the current agreement does not address improvements to the fields for compensation should the County terminate the agreement without cause; and

WHEREAS, the Fauquier County Soccer Club and the Parks and Recreation Board has requested revisions to the document to clarify this provision; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the First Addendum-Sports Fields Operation Agreement For the Northern Sports Complex and Community Park be approved; and

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the first addendum to the agreement with the Fauquier County Soccer Club for the maintenance, supervision, and operation of specific facilities at the Northern Sports Complex and Community Park; and, be it

RESOLVED FINALLY, That the estimate of \$60,000 provided by Fauquier County Soccer Club for this renovation is hereby approved.

A Resolution to Authorize the Acceptance of a Conservation Easement Over the Property of John D. Donovan Jr. and Helen H. Donovan

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION
EASEMENT OVER THE PROPERTY OF
JOHN D. DONOVAN, JR. AND HELEN H. DONOVAN

WHEREAS, John D. Donovan, Jr. and Helen H. Donovan have proposed to donate a conservation easement over their property described as PIN #6091-43-9759-000 consisting of approximately 7.04 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the County’s Comprehensive Plan and thereby advances a public purpose of the County; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A Resolution to Amend the FY 2010 Adopted Budget by \$702,003 and Amend the FY 2011 Adopted Budget by \$4,678

RESOLUTION

A RESOLUTION TO AMEND THE FY 2010 ADOPTED BUDGET BY \$702,003 and
AMEND THE FY 2011 ADOPTED BUDGET BY \$4,678

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2009 the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, on March 30, 2010 the Board of Supervisors adopted the Fauquier County FY 2011 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on August 5, 2010, the Finance Committee recommended for FY 2010, appropriations of \$45,694 to the General Fund, \$422 to the Volunteer Fire and Rescue Association Fund; and

WHEREAS, at its meeting on September 2, 2010, the Finance Committee recommended for FY 2010, appropriations of \$656,098 to the General Fund; and

WHEREAS, at its meeting on August 5, 2010, the Finance Committee recommended for FY 2010, de-appropriations of \$211 from the Volunteer Fire and Rescue Association Fund; and

WHEREAS, at its meeting on August 5, 2010, the Finance Committee recommended for FY 2011, appropriations of \$4,678 to the General Fund; and

WHEREAS, at its meeting on August 5, 2010, the Finance Committee recommended for FY 2011, transfers of \$70,257 within the Capital Improvement Fund; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the FY 2010 Budget be, and is hereby, amended in the amount of \$702,003 and the

FY 2011 Budget be, and is hereby, amended in the amount of \$4,678 as indicated on the attached summary.

September 9, 2010 Budget Action Summary

Requesting Department	Action	Amount	Category		Explanation
			From	To	
Consent Agenda					
FY 2010					
Fire, Rescue & Emergency Management	Community Event Staffing Fee	\$5,010	Reimbursement	Fire, Rescue & Emergency Management	Appropriates revenue for staffing the Upperville Horse Show in June 2010.
Sheriff’s Office	DMV Grant	\$40,074	State Funding	Sheriff’s Office	Appropriates State revenue for traffic enforcement and in-car camera purchases from DMV grant.
Sheriff’s Office	Miscellaneous Donations	\$610	Donations	Sheriff’s Office	Appropriates donation revenue for Sheriff’s Office K-9s.
Social Services	Day Care and CSA Funds	\$656,098	Federal and State Funding	Social Services	Appropriates Federal and State Day Care and CSA revenue for match of FY 2010 grant awards.
Volunteer Fire & Rescue Association	Reimbursement for Hazmat Supplies	\$422	Reimbursement	Volunteer Fire & Rescue Association Fund	Appropriates insurance reimbursement for hazardous materials used during an auto accident.
Volunteer Fire & Rescue Association	De-appropriation	(\$211)	Federal Funding	Volunteer Fire & Rescue Association Fund	De-appropriates Virginia Department of Fire Programs training grant to reflect actual grant award.
FY 2011					
County Administration	Virginia Department of Environmental Quality Grant	\$3,500	State Funding	Water Resource Management	Appropriates State revenue reimbursed for services used in the development of the mandated regional water supply plan.
Sheriff’s Office	Insurance Recovery	\$1,178	Reimbursement	Sheriff’s Office	Appropriates insurance revenue for damages to Sheriff’s vehicle.
Capital Improvement Fund	Transfer	\$70,257	Capital Improvement Fund	Schools Capital Reserve	Transfer \$70,257 from unexpended balance from the FHS Auditorium Chiller to the School Division’s Capital Reserve.

A Resolution in Support of a 35-Mile Per Hour Design Speed for Brookside Parkway

RESOLUTION

A RESOLUTION IN SUPPORT OF A 35-MILE PER HOUR DESIGN SPEED FOR
BROOKSIDE PARKWAY

WHEREAS, the Fauquier County Board of Supervisors approved Brookside Parkway in 2002; and

WHEREAS, Brookside Parkway is approved to be an Urban Collector, where the Virginia Department of Transportation (VDOT) allowed design speed ranges from 30-50 miles per hour (mph) and the lower end of the range has been selected to improve safety on this collector road with the New Baltimore Service District; and

WHEREAS, the character of an Urban Collector as specified in the Fauquier County Comprehensive Plan *“will vary depending on the areas and functions they will serve. Some of the roads may take on a boulevard character with trees lining the road, wide medians, adequately spaced entry points and low speeds. Others will serve a more highway-oriented function and will characteristically have higher speeds, and fewer points of entry. The exact character of these roads will be determined in the development process.”*

WHEREAS, Brookside Parkway is intended to serve the residents of Brookside and the Vint Hill community as well as provide another road linkage within the Service District and is not intended to serve a highway-oriented function; and

WHEREAS, one of the County’s goals as delineated within the Comprehensive Plan is *“to concentrate and guide growth in and around Service Districts and Villages”* and, in most areas, this involves applying more traditional town principles for compact development and a safe and an interconnected public street network (including multi-purpose paths and sidewalks) in order to create and define a “sense of place”; and

WHEREAS, on February 18, 2010 the Board of Supervisors approved an amendment to its Comprehensive Plan that designated a “Compact Area” for this and other Service Districts pursuant to recently enacted state regulations to better fulfill the connectivity, pedestrian accommodation and more traditional streets the County envisions; and

WHEREAS, the centralized location of commercial, recreational and public uses to serve the development, while in keeping with the County’s desire for more compact pedestrian-friendly development with sidewalks and street tree planting, is bisected by the Brookside Parkway location; and

WHEREAS, the County is also considering other traffic calming measures, such as raised crosswalks in the centralized mixed-use area, medians, median trees and similar measures to further tighten the viewshed; and

WHEREAS, the VDOT desired 45-mile per hour design speed allows for a higher posted speed and results in fewer street trees, increased tree setback and a more visually open roadway where the desire and ability to speed would be higher; and

WHEREAS, the traffic analysis performed to compare the levels of service for the future development condition with a 45 mph vs. a 35 mph shows no reduction in level of service or capacity with the reduced design speed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That it supports the development of the Brookside Parkway with a design speed of 35 miles per hour to allow this roadway to take on more of a boulevard character as defined in the Comprehensive Plan, to improve safety for community residents and facility users and to better allow the village center to function as such without the impacts resulting from a higher design speed roadway bisecting the area; and, be it

RESOLVED FURTHER, That a certified copy of this resolution shall be forwarded to the District Administrator, Culpeper District of the Virginia Department of Transportation.

A Resolution to Correct Conditions Associated with SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, AND WAVR09-MA-024 - A Category 13 Special Exception for a Drive-Through Facility to Accommodate a Bank and Five Waivers to Allow for a Reduction of the Front Setback, a Secondary Entrance on a Higher Access Street, a Cross/Cooperative Parking Agreement, a Reduction of the Cooperative Parking Requirements, and a Reduction of the Front, Side, and Rear Buffer Requirements - PIN #6969-58-6649-000, #6969-58-6605-000, #6969-58-5641-000 and #6969-58-4589-000, Marshall District

RESOLUTION

A RESOLUTION TO CORRECT CONDITIONS ASSOCIATED WITH SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, AND WAVR09-MA-024 – A CATEGORY 13 SPECIAL EXCEPTION FOR A DRIVE-THROUGH FACILITY TO ACCOMMODATE A BANK AND FIVE WAIVERS TO ALLOW FOR A REDUCTION OF THE FRONT SETBACK, A SECONDARY ENTRANCE ON A HIGHER ACCESS STREET, A CROSS/COOPERATIVE PARKING AGREEMENT, A REDUCTION OF THE COOPERATIVE PARKING REQUIREMENTS, AND A REDUCTION OF THE FRONT, SIDE, AND REAR BUFFER REQUIREMENTS – PIN #6969-58-6649-000, #6969-58-6605-000, #6969-58-5641-000 AND #6969-58-4589-000, MARSHALL DISTRICT

WHEREAS, on June 11, 2009, C. W. Ritchie and others (Owners), and Middleburg Bank (Applicant), received Category 13 Special Exception approval to allow for a drive-through facility to accommodate a bank; and

WHEREAS, the applicant also received approval of several waivers to allow for a reduction of the front setback, a secondary entrance on a higher access street, a cross/cooperative parking agreement, a reduction of the cooperative parking requirements, and a reduction of the front, side and rear buffer requirements; and

WHEREAS, the June 11, 2009 Board of Supervisors' resolution did not contain the correct conditions as recommended by the Planning Commission; and

WHEREAS, the changes to the conditions are not substantive and are in keeping with the overall design of the site now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, and WAVR09-MA-024 be, and are hereby, approved, subject to the following conditions:

1. The drive-through shall be designed for two drive-through lanes, so that only a single car shall exit to street (Route 55, Main Street).
2. The building shall be constructed in substantial conformance to the illustrative prepared by Ammon Heisler Sachs Architects dated January 16, 2009, including fenestration, entrance features, water table and soffits, etc. submitted as part of the applications.
3. Building materials shall be brick and stone, including cast stone. Materials shall not include artificial stucco (dryvit), plastic or foam. Architectural features at ground level shall be masonry or wood.
4. The building shall have a minimum building height, to the soffit, of twenty-seven (27) feet and a maximum height, to the soffit, of thirty-five (35) feet. In addition, the Applicant shall have the right to install a railing approximately three and a half feet (3½') tall above the soffit, as shown on the illustrative drawing dated January 16, 2009 prepared by Ammon Heisler Sachs Architects, included in the Application.
5. The first floor shall have a minimum clear height of twelve (12) feet.
6. A flat roof shall be deemed acceptable if a parapet wall adequately screens the mechanical equipment.
7. If a tower/cupola is included the height shall be no greater than 14 feet above the building height, and in addition the Applicant shall have the right to have a weather vane on top of the tower/cupola, as shown on the illustrative drawing dated January 16, 2009 prepared by Ammon Heisler Sachs Architects included in the Application.
8. Brick pavers shall be the hardscape material in the notched area including the cut corner at the intersection of Main and Frost Streets which may include a portico.
9. The drive-through structure shall be substantially similar to the architecture of the main building. All lighting for the drive-through shall be recessed.
10. The future right-of-way shall be in accord with the recommendations of the Marshall Moving Forward Study. If that study is not completed before the site plan stage, the future right-of-way shall generally include the following and may be adjusted based on engineering or industry standards:

Main Street

Right of way – 66’
Travel lane – 12’
Parking lane – 8’
Curb – 0.5’
Clear zone – 3’
Planting zone – 2.5’
Sidewalk – 7’

Frost Avenue

Right of way – 60’
Travel lane – 11’
Parking lane – 7’
Curb – 0.5’
Clear zone – 3’
Planting zone – 2.5’
Sidewalk – 6’

11. Curb extensions (bulb-outs) shall be used to protect parking lanes.
12. Sidewalks and crosswalks shall be red brick.
13. Driveway aprons shall be constructed with concrete masonry pavers, such as EP Henry Old Towne Cobble in charcoal.
14. Planting zones shall not be a continuous strip. They shall include a planting area, approximately 5’ long, which includes a street tree and low plantings with seasonal color.
15. Street trees shall be Red Maple of four (4) inch caliper at time of planting and planted at intervals of thirty (30) feet.
16. A maintenance agreement shall be provided for the street trees and for plantings along Main Street and Frost Street prior to site plan approval.
17. The sidewalk area shall extend in between the planting areas and include street lights.
18. Street lights within the public right-of-way, likely to be determined through the Marshall Moving Forward Grant, shall be subject to approval by the Zoning Administrator.
19. Parking lot lights on PINs 6969-58-6649 and 6969-58-6605 shall be subject to approval by the Zoning Administrator.
20. Street furniture, such as benches and trash containers in the public right-of-way, likely to be determined through the Marshall Moving Forward Grant, shall be required and subject to approval by the Zoning Administrator.
21. Signs shall be consistent with Applicant branding and signage at Applicant’s other banking locations, including the FDIC seal, any legal notices required by applicable banking regulations, its days and hours of operation and professionally prepared bank-wide advertising materials on the interior of the exterior glass surfaces of the building or on the interior of the front door of the building. Signs shall be made of wood or metal. Plastic and back-lit signs are prohibited. Signs shall not obstruct architectural details.
22. The applicant shall provide an ingress/egress easement for the purpose of ingress and egress by the public along the rear travel way of the applicant’s property to allow access between Frost Street and the IGA property, PIN #6969-58-5641-000. The applicant shall also reserve

a 15' reservation strip from the rear property line of PIN #6969-58-6649-000 and 6969-58-6605-000 to facilitate a future public alley. The applicant shall construct the improvements as shown on the Special Exception Plat including the area within the 15' reservation. It is understood that improvements constructed in the 15' reserved area may in the future be removed and reconstructed with the consent of the applicant in conjunction with the development of properties adjoining the applicant's property and the construction of a future public alley.

23. A parking agreement assuring the long-term sharing of spaces between the IGA and the Middleburg Bank shall be provided prior to site plan approval.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Amendment to Change the Community Development Fee Schedule to Authorize an Increase to the Fee for Review of Preliminary Plats

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO CHANGE THE COMMUNITY DEVELOPMENT FEE SCHEDULE TO AUTHORIZE AN INCREASE TO THE FEE FOR REVIEW OF PRELIMINARY PLATS

WHEREAS, the Fauquier County Board of Supervisors recently adopted an amended Chapter 17 of the County Code, which now requires the certification of drainfields with the approval of a preliminary plat; and

WHEREAS, the Health Department will now serve as one of the County review agencies, making it more efficient to collect the Health Department's review fee as part of the County's application for a preliminary plat; and

WHEREAS, the revised review process will moderately increase the workload of the County Soil Scientist in evaluating the applications and coordinating with the Health Department for in-field evaluation and review; and

WHEREAS, a change in the preliminary plat fees is necessary to incorporate the Health Department fees and to off-set the increased workload for the County Soil Scientist; and

WHEREAS, the County must conduct a public hearing in order to amend the Community Development fee schedule; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider an amendment to the Community Development fee schedule for preliminary plats.

A Resolution Authorizing the Acceptance of an Aggressive Driving Grant from the Virginia Department of Motor Vehicles

RESOLUTION

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN AGGRESSIVE DRIVING GRANT FROM THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES

WHEREAS, grant funding is available through the Virginia Department of Motor Vehicles from the U.S. Department of Transportation National Highway Traffic Safety Administration for the purpose of supporting all components of the criminal justice system by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures; and

WHEREAS, the Fauquier County Sheriff's Office has been allocated \$35,000 to purchase in-car video cameras, as well as provide checking details and saturation patrols throughout the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the Board of Supervisors does hereby accept this grant award; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to the acceptance of the grant funds on behalf of Fauquier County; and, be it

RESOLVED FINALLY, That the Board of Supervisors hereby appropriates grant funds in the amount of \$35,000 for the purchase of in-car videos, and the establishment of checking details and saturation patrols, and authorizes the Office of Management and Budget and the Finance Department to process the budget adjustments required for this appropriation.

A Resolution for Subdivision Street Acceptance of the Brookside Subdivision for Allison Marshall Drive, Emma Court, Tanglewood Drive, Evan Court, and Tulip Hill Drive - Scott Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE OF THE BROOKSIDE SUBDIVISION FOR ALLISON MARSHALL DRIVE, EMMA COURT, TANGLEWOOD DRIVE, EVAN COURT, AND TULIP HILL DRIVE – SCOTT MAGISTERIAL DISTRICT

WHEREAS, Allison Marshall Drive, Emma Court, Tanglewood Drive, Evan Court, and Tulip Hill Drive as depicted on the attached site location map, and described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors that these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

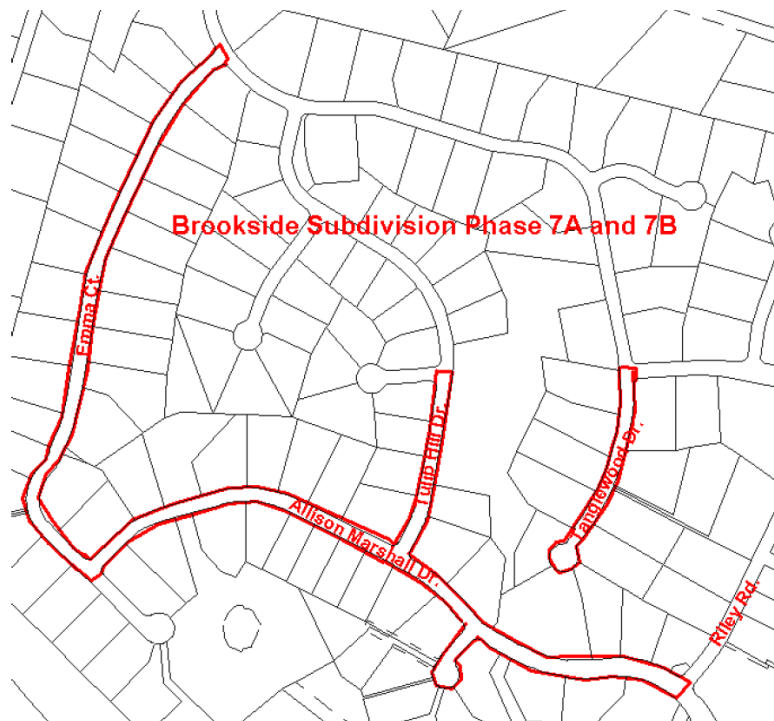
WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Brookside Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 1091, Page 2431 approved on April 8, 2004, and in Deed Book 1097, Page 1589 approved on May 10, 2004, and in Deed Book 1093 Page 1025 approved on May 3, 2004, and in Deed Book 1094, Page 1183 approved on April 22, 2004; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.



In the County of Fauquier

By resolution of the governing body adopted September 9, 2010

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Brookside 7a & 7b

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

◆ Allison Marshall Drive, State Route Number 1636

Old Route Number: 0

● From: CL of Tulip Hill Drive Rte 1637

To: 1352 Ft W to CL of Emma Ct. Rte 1635, a distance of: 0.26 miles.

Recordation Reference: DB 1091 Pg 2431

Right of Way width (feet) = 50ft

Street Name and/or Route Number

◆ Emma Court, State Route Number 1635

Old Route Number: 0

● From: CL of Allison Marshall Dr. Rte 1636

To: 650 Ft E to Cul-de-sac, a distance of: 0.12 miles.

Recordation Reference: DB 1097 Pg 1589

Right of Way width (feet) = 50ft

Street Name and/or Route Number

◆ Tanglewood Drive, State Route Number 1633

Old Route Number: 0

● From: CL of Oakmont Dr. Rt 1631

To: 788 Ft S to Cul-de-sac, a distance of: 0.15 miles.

Recordation Reference: DB 1096 Pg 1025

Right of Way width (feet) = 50ft

VDOT Form AM-4.3 (4/20/2007) Maintenance Division

Date of Resolution: September 9, 2010 Page 1 of 2

Street Name and/or Route Number

◆ Emma Court, State Route Number 1635

Old Route Number: 0

- From: CL of Allison Marshall Dr. Rte 1636

To: 2198 Ft N to Tanglewood Dr. Rte 1633, a distance of: 0.42 miles.

Recordation Reference: DB 1097 Pg 1589

Right of Way width (feet) = 50ft

Street Name and/or Route Number

◆ Evan Court, State Route Number 1640

Old Route Number: 0

- From: CL of Allison Marshall Dr. Rte 1636

To: 300 Ft S to Cul-de-sac, a distance of: 0.06 miles.

Recordation Reference: DB 1091 Pg 2431

Right of Way width (feet) = 50ft

Street Name and/or Route Number

◆ Tulp Hill Drive, State Route Number 1637

Old Route Number: 0

- From: CL of Terrapin Court Rte 1639

To: 709 Ft S to CL of Allison Marshall Dr. Rte 1636, a distance of: 0.13 miles.

Recordation Reference: DB 1091 Pg 2431

Right of Way width (feet) = 50ft

Street Name and/or Route Number

◆ Allison Marshall Drive, State Route Number 1636

Old Route Number: 0

- From: CL of Evan Ct Rte 1640

To: 390 Ft W to CL of Tulp Hill Drive Rte 1637, a distance of: 0.07 miles.

Recordation Reference: DB 1091 Pg 2431

Right of Way width (feet) = 60ft

Street Name and/or Route Number

◆ Allison Marshall Drive, State Route Number 1636

Old Route Number: 0

- From: CL of Riley Rd Rte 676

To: 803 Ft N to CL of Evan Ct Rte 1640, a distance of: 0.15 miles.

Recordation Reference: DB 1094 Pg 1183

Right of Way width (feet) = 60-70ft

A Resolution to Approve a Facility Costs Agreement Between the County of Fauquier, Virginia and the Fauquier County Department of Social Services

RESOLUTION

A RESOLUTION TO APPROVE THE FACILITY COSTS AGREEMENT BETWEEN THE COUNTY OF FAUQUIER, VIRGINIA AND THE FAUQUIER COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Fauquier County provides office space to the Fauquier County Department of Social Services (DSS) at 320 Hospital Drive, Warrenton, Virginia; and

WHEREAS, DSS is able to receive Federal reimbursement for rental costs as outlined in the Office of Management and Budget Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments; and

WHEREAS, a facilities cost agreement between Fauquier County and the Department of Social Services documents the basis of rental costs and adherence to Circular A-77; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the County Administrator be, and is hereby, authorized to execute the Facility Costs Agreement between Fauquier County and the Fauquier Department of Social Services.

A Resolution to Authorize the County Administrator to Submit a Finding of Concurrence for a Temporary Pump and Haul Permit for Range 82, LLC

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A FINDING OF CONCURRENCE FOR A TEMPORARY PUMP AND HAUL PERMIT FOR RANGE 82, LLC

WHEREAS, Range 82, LLC, has requested that the Fauquier County Board of Supervisors issue its concurrence to the issuance by the Health Department of a temporary pump and haul permit while its septic system is being constructed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the Fauquier County Board of Supervisors concurs with the request from Range 82, LLC, to use a temporary pump and haul permit while constructing the permanent wastewater septic system; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors' concurrence shall not extend beyond March 31, 2011; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to sign the Health Department's application indicating the Board's concurrence and to transmit this resolution to the Fauquier County Health Department.

AN ORDINANCE TO APPROVE REZN11-CT-001 - WARRENTON MANAGEMENT ASSOCIATES AND THE DREW CORPORATION (OWNERS)/RAPPAHANNOCK RAPIDAN COMMUNITY SERVICES BOARD (APPLICANT) - MILLFIELD SUBDIVISION PROFFER AMENDMENT TO ALLOW FOR THE DEVELOPMENT OF TWO GROUP HOMES FOR ADULTS WITH INTELLECTUAL DISABILITIES - PIN #6984-95-5265-000 AND 6984-94-0653-000, CENTER DISTRICT (WARRENTON SERVICE DISTRICT)

Mr. Nyhous moved to adopt the following substitute resolution. Mr. Trumbo seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO DIRECT THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING FOR REZN11-CT-001 - WARRENTON MANAGEMENT ASSOCIATES AND THE DREW CORPORATION (OWNERS)/RAPPAHANNOCK RAPIDAN COMMUNITY SERVICES BOARD (APPLICANT) - MILLFIELD SUBDIVISION PROFFER AMENDMENT TO ALLOW FOR THE DEVELOPMENT OF TWO GROUP HOMES FOR ADULTS WITH INTELLECTUAL DISABILITIES - PIN #6984-95-5265-000 AND 6984-94-0653-000, CENTER DISTRICT (WARRENTON SERVICE DISTRICT)

WHEREAS, the Millfield Subdivision was rezoned (RZ90-C-06) with proffers on August 13, 1993; and

WHEREAS, Warrenton Management Associates and The Drew Corporation (Owners)/Rappahannock Rapidan Community Services Board (Applicant) have initiated an application to amend the existing proffers in accordance with the provision of Section 15.2-2302 of the Code of Virginia; and

WHEREAS, in July 2009, the General Assembly adopted an amendment to Section 15.2-2302 of the Code of Virginia to allow a Board of Supervisors to waive the requirement for a public hearing for an amendment to proffered conditions where the amendment does not affect use or density; and

WHEREAS, the owner would like to donate land to allow for the development of two group homes for adults with intellectual disabilities; and

WHEREAS, the August 13, 1993 proffers associated with RZ90-C-06 would need to be amended before the creation of two lots for group homes would be permitted; and

WHEREAS, on September 9, 2010 the Fauquier County Board of Supervisors considered this request; and

WHEREAS, by the adoption of this Resolution the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice require a public hearing before approving an amendment to the Fauquier County Zoning Map; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the County Administrator be directed to schedule a public hearing for October 14, 2010 on Rezoning request (REZN11-CT-001), to consider amending Millfield Proffers dated August 13, 1993 to allow for the development of two group homes for adults with intellectual disabilities.

A RESOLUTION ALLOWING THE FILING OF AN OUT-OF-TURN COMPREHENSIVE PLAN AMENDMENT TO THE BEALETON SERVICE DISTRICT PLAN

Mr. Stribling moved to adopt the following resolution. Mr. Schwartz seconded and, following discussion, the vote for the motion was 3 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. R. Holder Trumbo</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO ACCEPT THE FILING OF AN OUT-OF-TURN COMPREHENSIVE PLAN AMENDMENT TO THE BEALETON SERVICE DISTRICT PLAN

WHEREAS, the Board of Supervisors and the Planning Commission have recently, and are currently, considering development applications in the Bealeton Service District, a transportation study of the Bealeton Service District is soon to commence, and much meaningful discussion of other aspects of the Bealeton Service District Plan has recently taken place; and

WHEREAS, the Board of Supervisors, mindful of its commitment to economic development, wishes to consider economic development opportunities in Bealeton as part of the consideration of the Bealeton Service District Plan amendments; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 9th day of September 2010, That the filing of an out-of-turn Comprehensive Plan Amendment for the general area north of Catlett Road (Route 28) and west of Marsh Road (Route 17) in Bealeton be, and is

hereby accepted, provided that any such Comprehensive Plan Amendment be filed together with a complete companion rezoning application.

A RESOLUTION ESTABLISHING AN OUTLINE CODE OF DEVELOPMENT FOR USE IN THE MIXED USE SPECIAL DISTRICT - BEALETON SERVICE DISTRICT (MU-BEALETON) AND THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT; AND THE INITIATION OF ZONING ORDINANCE AND SUBDIVISION ORDINANCE TEXT AMENDMENTS RELATED TO THE MU-BEALETON DISTRICT AND PRD DISTRICTS

Mr. Schwartz moved to postpone action on this matter until the next regular meeting on October 14, 2010, to allow for further review. Mr. Trumbo seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Disability Services Board - Fauquier Schools/Special Education: Jane Bell was appointed for a three-year term that ends April 1, 2013.
- Industrial Development Authority - Citizen-at-Large: Benjamin Merchant was reappointed for a four-year term that ends September 9, 2014.
- Parks & Recreation Board - Scott District: Clayton Lescalleet was reappointed for a four-year term that ends September 30, 2014.
- Piedmont Workforce Investment Council – Business Jurisdiction: Chris Kemp was reappointed for a three-year term that ends June 30, 2013.
- Fauquier County Water & Sanitation Authority - Cedar Run District: Raymond Graham was reappointed for a four-year term that ends September 9, 2014.

SUPERVISORS' TIME

- Mr. Schwartz announced that the Fauquier Fall Farm Tour will be held on October 9th and it is a wonderful opportunity to see working agricultural businesses and that more information and a schedule of events can be found at www.FauquierAg.com. Mr. Schwartz added that on September 22nd there will be a meeting at the Marshall Community Center which is open to the public to discuss Main Street improvements, and

a presentation of preliminary ideas for the development project. Mr. Schwartz also announced that a design charrette will be held October 1st and October 2nd at the Marshall Community Center to come up with a new design plan for the Southern Gateway to Marshall at Route 17 and Interstate 66.

- Mr. Trumbo announced that on October 2nd will be the Day in The Plains event with a parade and crafters, music, vendors, and other special small town activities to celebrate the 100th anniversary of the incorporation of the Town of The Plains. Mr. Trumbo stated he will be participating in the Cherry Blossom Breast Cancer Fundraiser Walk & Run event on October 10th at the Warrenton Greenway and he encouraged citizens to participate or otherwise support the event.
- Mr. Stribling commented on the diversity of Fauquier County, and that the commemoration of September 11th should be a time to remember how we are all different but we all have to live together and we should be thankful for our blessings. Mr. Stribling invited everyone to come to Monroe Park on Saturday for the Gold Mine Jubilee.
- Mr. Nyhous announced that on September 18th is the 21st Annual Evening Under the Stars event in Old Town Warrenton, and that tickets are still available through the Partnership for Warrenton. Mr. Nyhous also announced that on September 25th the Town of Warrenton will host the Fauquier Heritage Days parade to celebrate the 200th anniversary of the founding of the town and the Sesquicentennial. Mr. Nyhous added that Civil War reenactments and demonstrations will be held at Buckland Farms, and that citizens may get more information about these and other local events on www.visitfauquier.com.

ANNOUNCEMENTS

- Mr. McCulla announced that on September 17, 2010, the Fauquier County Working Together Committee will hold its 7th Annual Charity Golf Tournament at Kastle Green Golf Club. Anyone interested in participating may contact the County Administration offices for details.
- Mr. McCulla announced that the Fauquier County Board of Supervisors will hold its next regular meeting on Thursday, October 14, 2010, at 6:30 PM in the Warren Green Building first floor meeting room, located at 10 Hotel Street, Warrenton, Virginia.

A RESOLUTION REVISING THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S FEE SCHEDULE RELATED TO BUILDING PERMITS FOR TENTS

A public hearing was held to consider a proposed text amendment that changes the fee for review of building permits for tents from \$0.04 per square foot, with a minimum of \$50, to \$50 for the first tent plus \$25 for each additional tent. The existing Plan Review portion of the fee, \$50 for residential tents and \$100 for commercial tents (the plan review fee is not per tent), would not change. Nor would the \$50 re-inspection fee change (required only when an inspector

must return a second time to a property because it did not pass inspection). The proposed fee change will maintain or slightly decrease fees for applicants with a single tent, and significantly decrease fees for large events with multiple tents. David Cooper, Building Official, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following resolution. Mr. Schwartz seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *Mr. Raymond E. Graham*
Abstention: *None*

RESOLUTION

A RESOLUTION REVISING THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S FEE SCHEDULE RELATED TO BUILDING PERMITS FOR TENTS

WHEREAS, County staff has reviewed building permit fees charged for tents and found that the current fee schedule may present a financial burden for large events and may generate funds beyond those necessary to accomplish the State required inspections; and

WHEREAS, the Board of Supervisors seeks to keep building permit fees at or below the actual costs involved in issuing a permit; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the Department of Community Development's fee schedule for Building and Zoning Permits be revised as reflected in the following Proposed Fee Schedule, with an effective date of October 8, 2010.

FAUQUIER COUNTY PERMITTING & INSPECTION DEPARTMENT FEE SCHEDULE

Effective ~~8/1/2006~~ **October 8, 2010**

NEW CONSTRUCTION		
101	IRC Use Group R5 (Heated and Unheated) (Residential 1 & 2 family units)	\$.14sf / Min. \$100.00
102	Accessory Structures (R5) (Dwelling Units)	\$.12sf / Min. \$75.00
103	IBC Use Groups A,B,E,F,H,I,M,R1,R2,U,S1,S2,R3, R4 (Commercial/Industrial)	0 - 5000 \$.18sf Over 5000 \$.13sf Min. \$150.00
104	A-5 Grandstands, Coliseums, Tents , Stadiums, etc.	\$.04sf / Min. \$50.00
	Tents	\$50 for 1st tent plus \$25 for each additional tent

105	Tenant Layout	\$.03sf / Min. \$75.00
106	Swimming Pool - Residential (R5)	\$65.00
107	Swimming Pool - Commercial	\$.07sf / Min. \$100.00
108	Fireplaces & Chimneys	\$65.00
109	Signs	\$65.00

ELECTRICAL

201	Temporary on Pole	\$50.00
202	Commercial; 0 - 600 Amps	\$50.00
203	Commercial; 601 - 1200 Amps	\$85.00
204	Commercial; Over 1200 Amps	\$160.00
205	Accessory Structures - Residential (R5)	\$50.00
206	Alarm Systems - Commercial	\$.01sf / Min. \$100.00
207	IRC R5 - Residential	\$50.00
208	All other IBC Use Groups - Commercial	\$.01sf / Min. \$100.00

PLUMBING

301	IRC R5 - Residential	\$50.00
302	All other IBC Use Groups - Commercial	\$.01sf / Min. \$100.00

MECHANICAL

401	IRC R5 - Residential	\$50.00
401A	IRC R5 - Inside Gas Line	\$50.00
401B	IRC R5 - Tank & Outside Line	\$50.00
402	All other IBC Use Groups - Commercial	\$.01sf / Min. \$100.00

ALTERATIONS & REPAIRS

501	Residential Alteration (R5)	\$.13sf / Min. \$75.00
502	Commercial Alteration (All IBC Use Groups)	\$.17sf / Min. \$100.00

MISCELLANEOUS

601	Moving Building / Structure	\$65.00
602	Demolition	\$65.00

603	Change of Use Inspection	\$65.00
604	Residential Exterior Sewer (R5)	\$45.00
605	Commercial Exterior Sewer (All IBC Use Groups)	\$55.00
606	Residential Exterior Water Lines (R5)	\$55.00
607	Commercial Exterior Water Lines(All IBC Use Groups)	\$55.00
609	Work started without a permit	\$100.00
610	Fire Suppression Systems (IBC or IRC)	\$.01sf / Min. \$100.00
611	Residential Reinspection (IRC)	\$50.00
612	Commercial Reinspection	\$50.00
613	Refunds (not listed on computer)	80%
614	Permit Renewals	\$45.00
615	Occupancy Permits (615R/Res, 615C/Com, 615T/Temp. Res.; 615X/ Temp. Com.)	\$45.00
615E	Occupancy Permits - Existing Building	\$100.00
616	Temporary Footing - Residential	\$65.00
617	Temporary Footing - Commercial	\$130.00
618	Roofing & Siding (Commercial Only)	\$65.00
619	Roofing & Siding with other work (Commercial Only)	\$35.00
620	E&S Inspection Fee	\$200.00
621	Emergency Off-Hour Inspection	\$200.00
622	Consultation	\$50.00
623	Hood Suppression System	\$75.00

PLANS REVIEW

700	Plan Review - Residential	\$.03 sf / Min. \$50.00
701	Plan Review - Residential Amendments	\$35.00
702	Plan Review - Commercial	\$.01sf / Min. \$100.00
703	Plan Review - Amend Commercial	\$45.00
704	Plan Review - Fire Suppression	\$.01sf / Min. \$75.00

705	Plan Review - Tenant Layout		\$.03sf / Min. \$75.00
706	Modification Fee		\$75.00
ADMINISTRATIVE			
800	2.00% Virginia Fee Levy		2.00%
801	Photocopies		\$.50 for 1st five, \$.25 each additional
803	Fee for installations for which no fee appears (Determined by the Building Official) (803A/Bldg, 803B/Elec, 803C/Plmb, 803D/Mech, 803E/Admn.)		Min. \$65.00
803F	Appeal of Building Official Decision **		\$500.00
AMUSEMENT DEVICES			
902	Amusement inspection fee - each set up		Kiddie - \$25.00 Circular/Flat - \$35.00 Other - \$55.00 Coasters above 30 feet - \$150

** Fee is returned if the appellant prevails.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-1301 RELATING TO THE SETBACK OF STRUCTURES ASSOCIATED WITH KENNELS

A public hearing was held to consider an amendment to existing Zoning Ordinance regulations that require special permit approval for kennels in the RC, RA, RR-2, R-1, C-1 and CV Districts. As part of the additional standards for kennels found in Section 5-1301 of the Ordinance, structures associated with a kennel use must meet a 75-foot setback requirement from all property lines unless they are completely enclosed and soundproof. This standard applies to kennel structures in all districts except for the R-1 District, which has a greater setback requirement of 200 feet from all property lines. As set forth in the Zoning Ordinance, the definition of a "structure" would include both buildings as well as fenced-in areas that may be utilized for some aspect of the kennel operation, such as an outdoor exercise yard. The proposed text amendment would allow the Board of Zoning Appeals (BZA) to waive the required 75 foot setback for fenced outdoor areas utilized for exercise and/or play, as part of special permit approval. In addition, it changes the setback requirement for kennel structures in the CV District by requiring that they adhere to the greater setback established for the R-1 District. On June 24, 2010, the Planning Commission unanimously voted to recommend approval of this text amendment. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Sandra Getz, Cedar Run District, spoke in favor of the text amendment. No one else spoke. Mr. Nyhous moved to continue the public hearing and postpone a decision on this matter until the next regular meeting on October 14, 2010. Mr. Trumbo seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: **Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo**
Nays: **None**
Absent During Vote: **Mr. Raymond E. Graham**
Abstention: **None**

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3 AND ARTICLE 5 TO MODIFY REQUIREMENTS AND LIMITATIONS IN THE C-1 ZONING DISTRICT, TO INCLUDE CHANGES TO SETBACKS, ADDITION OF USE LIMITATIONS, ALLOWING UPPER-STORY RESIDENTIAL USES BY-RIGHT, AND ALLOWING UP TO 100,000 SQUARE FEET OF RETAIL/SHOPPING CENTER WITH APPROVAL OF A SPECIAL EXCEPTION

A public hearing was held to consider a proposed text amendment that changes provisions in the Zoning Ordinance related to the C-1 Zoning District in order to provide for increased levels of development on larger parcels that incorporate upper-story uses, and in order to promote a form of development on all parcels more consistent with a pedestrian oriented small-scale commercial neighborhood or village rather than an auto-oriented suburban strip-center. On March 26, 2009, the Planning Commission unanimously voted to forward the proposed text amendment to the Board of Supervisors with a recommendation of approval. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Trumbo stated that he must recuse himself from this issue. Mr. Schwartz moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was 3 to 0 as follows:

Ayes: **Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling**
Nays: **None**
Absent During Vote: **Mr. Raymond E. Graham**
Abstention: **Mr. R. Holder Trumbo**

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3 AND ARTICLE 5 TO MODIFY REQUIREMENTS AND LIMITATIONS IN THE C-1 ZONING DISTRICT, TO INCLUDE CHANGES TO SETBACKS, ADDITION OF USE LIMITATIONS, ALLOWING UPPER-STORY RESIDENTIAL USES BY-RIGHT, AND ALLOWING UP TO 100,000 SQUARE FEET OF RETAIL/SHOPPING CENTER WITH APPROVAL OF A SPECIAL EXCEPTION

WHEREAS, on December 10, 2008, the Planning Commission initiated this text amendment; and

WHEREAS, on February 26, 2009 and March 26, 2009, the Planning Commission held public hearings on the proposed text amendment; and

WHEREAS on March 26, 2009, the Planning Commission unanimously voted to forward the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on May 14, 2009, July 8, 2010 and September 9, 2010, the Fauquier County Board of Supervisors held public hearings on this amendment; and

WHEREAS, adoption of the attached amendment to Article 3 and Article 5 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of September 2010, That Article 3 and Article 5 be, and are hereby, amended as follows:

PART 5 3-500 USE LIMITATIONS

3-504.1 All Commercial and Industrial Districts

3-504.2 C-1 Commercial Neighborhood District

1. Setbacks:

A. Front:

Buildings shall be set back no more than 20 feet from the front property line, with the area between buildings and the street limited to sidewalks, street trees, seating areas and other traditional streetscape elements.

Exceptions:

- i. Along streets where existing buildings have established a lesser average setback, buildings shall be set back no further than the average setback of nearby existing buildings.
- ii. Adjacent to Route 29, buildings shall be set back a minimum of 50 feet from the property line, with the area between the property line and the building preserved as a landscaped buffer, with allowances for pedestrian facilities.
- iii. Buildings may be set back further to accommodate utilities or other existing easements.
- iv. This setback shall not apply to additions to existing buildings.
- v. A larger setback may be approved for a new single family dwelling in conjunction with a special permit.

B. Side and Rear:

- i. Adjoining Rural or Residential Zoning Districts: Minimum 25 feet
- ii. All others: No minimum requirement.

- 2. Building Orientation:** Buildings shall generally be oriented to face existing public streets, with a primary building entrance facing the existing street, or on a corner including the existing street. In larger developments where new streets are created as part of the development, it is not anticipated that all streets will be faced with buildings or that every building will face a street. In determining which streets shall be

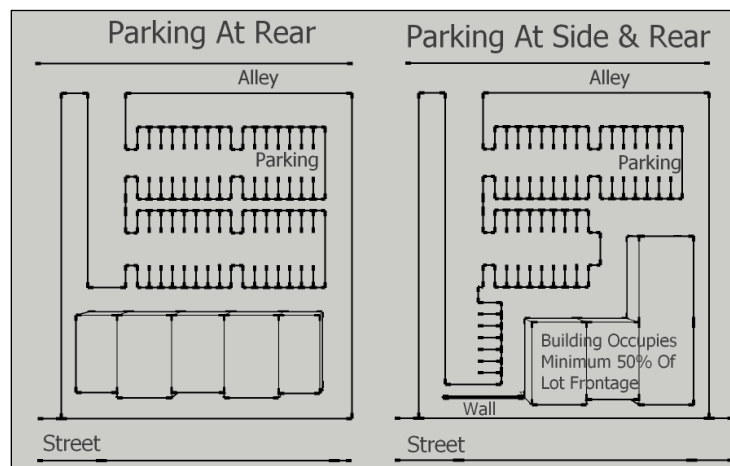
faced with buildings, priority shall be given to existing public streets, then new public streets, and finally new private streets, or as otherwise established in conjunction with special permit or special exception approval.

3. **Building Massing:** Commercial and Mixed Use-Buildings exceeding 5,000 square feet in size shall be designed such that the mass of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the appearance and massing of multiple smaller buildings rather than one single large building using changes in building setbacks and height emphasized by changes in materials and/or architectural details. All building façades visible from streets or public spaces shall have a maximum width of 30 to 40 feet of continuous vertical surface, after which:

- a minimum 3 foot change in plane of the wall shall be provided;
- or a minimum 3 foot change in roof height plus vertical articulation through a change in materials or architectural features.

4. Access and Parking:

- A. Vehicular access onto the site shall be provided from rear alleys or access easements from adjoining properties, where available. New streets shall generally be laid out to establish a street grid connecting into and through adjoining properties.
- B. Off-street parking shall be located behind buildings. Parking may also be located beside buildings if: necessary in order to meet minimum parking requirements; buildings occupy more of the street frontage than is occupied by the parking; the building occupies at least 50% of the lot frontage, the parking is set back at least 10 feet behind the building façade; and a 2-3 foot wall or combination of wall and dense hedge is constructed in front of the parking area to screen the parking and create a hard edge to continue the building face.



5. Multi-family Residential Uses:

- A. Multi-family dwellings are permitted only in buildings where the first floor is devoted to commercial use, with residential use on the first floor limited to the minimum area needed to provide an entrance and lobby to the residential units.
- B. The total residential density shall not exceed 8 units per acre.
- C. In addition to the 10% minimum landscaped green space required by Section 3-409 for the C-1 zone, development incorporating 10 or more residential units shall provide a minimum of 2,000 square feet of consolidated, usable open space developed with amenities, with a minimum dimension of 30 feet in any direction. The consolidated open space shall be designed as an integral part of the development and shall be accessible to all residents by internal pedestrian sidewalks or walkways. An additional 200 square feet of consolidated, usable open space shall be provided for each unit over 10.

6. Modifications: Modifications from the standards set forth in this Section 3-504.2 may be approved by the Zoning Administrator in conjunction with Site Plan Approval, the Board of Zoning Appeals in conjunction with Special Permit approval or the Board of Supervisors in conjunction with Special Exception or Rezoning approval upon a determination that one of the following standards is met:

- A. The alternative proposed does not diminish the overall development's neighborhood-scaled, pedestrian oriented character; or
- B. Because of unique physical characteristics of the property, the modification is necessary to allow reasonable use of the property; or
- C. Because of environmental features such as soils, wetlands, floodplains, drainage, the modification is desirable to avoid or protect such features; or
- D. The modification facilitates preservation of an existing structure of historic value; or
- E. In the case of open space required under Section 3-504.2.2 (C), above, the amount required may be reduced upon a finding that: 1) sufficient usable open space is already provided in the immediate area or 2) alternative features of the proposed development provide an amenity to residents equivalent or greater than the benefit of consolidated open space.

5-103

Standards for Residential Uses

In addition to the standards set forth in Section 5-006 above, all residential uses shall satisfy the following standards:

1. Single Family Detached Dwellings (C-1 and CV)
 - a. Within the C-1 zoning district, a single family detached unit may only be constructed on a lot existing as of January 1, 2004, and only by approval of a special permit. Lots created by subdivision after January 1, 2004, may not be developed with single family residential dwellings. Additions to existing single family residential dwellings may also be approved by special permit.
 - b. Residential uses allowed by special permit in such districts shall be of such scale as to avoid conflict with existing and potential commercial uses in the district where located.
 - c. Single family uses shall be subject to the use regulations set forth in Part 4 of Article 3 for conventional single family residential development in the R-4 zoning district.

~~1. Dwellings above Commercial Use (C-1 only)~~

- ~~a. Dwelling units are permitted only in buildings where the first floor is devoted to commercial use, and only by approval of a special exception. Residential use on the first floor shall be limited to the minimum area needed to provide an entrance and lobby to residential units in the building. The range of commercial uses that will be allowed in the commercial space shall be defined with the application for special exception and shall be limited by the Board to:
 - uses that are compatible with the proposed residential uses; and
 - office, retail, personal service, restaurants, amusement, or other similar uses which generate activity on the street, as determined by the Board of Supervisors.~~
- ~~b. The Board may vary the minimum lot size, minimum lot frontage, minimum lot width and minimum yard requirements of the C-1 zone for mixed use buildings where it determines that such variation would result in a building form more consistent with the form of existing development in the surrounding area or would further the goals of the Comprehensive Plan, and provided that the total residential density does not exceed 8 units per acre. No front yard adjacent to a major arterial may be reduced below 150 feet from the centerline of the right of way, unless a lesser setback is already established by existing buildings adjacent to the proposed development along the arterial, in which case the setback may be reduced to no less than the minimum setback established by the existing building.~~
- ~~c. Development shall be designed to be pedestrian-oriented, incorporating such features as: buildings and entrances facing~~

~~the street, streetscapes that accommodate sidewalks and street trees, pedestrian paths connecting buildings and uses, and parking located predominately to the rear or side of buildings.~~

- ~~d. In addition to the 10% minimum landscaped green space required by Section 3-409 for the C-1 zone, development incorporating 10 or more residential units shall provide a minimum of 2,000 square feet of consolidated, usable open space, with a minimum dimension of 30 feet in any direction. The consolidated open space shall be designed as an integral part of the development and shall be accessible to all residents by internal pedestrian sidewalks or walkways. An additional 200 square feet of consolidated, usable open space shall be provided for each unit over 10. The amount of consolidated, usable open space required may be reduced by the Board upon a finding that 1) sufficient usable open space is already provided in the immediate area or 2) alternative features of the proposed development provide an amenity to residents equivalent or greater than the benefit of consolidated open space.~~
- ~~e. All applications shall include a parking management strategy for assuring that convenient parking is maintained and preserved for residents of the mixed-use buildings. The amount of parking provided for the mixed-use buildings may be reduced from the amount required in Article 7 to the extent it is demonstrated to the Board's satisfaction, through a parking study and a shared parking agreement, that lesser parking is needed because:
 - ~~(1) parking can be shared between different uses with different peak demands and/or;~~
 - ~~(2) sufficient on-street spaces are available within the development or on portions of street immediately adjacent to the development to satisfy parking requirements.~~~~

PART 12

5-1200

CATEGORY 12 COMMERCIAL RETAIL USES

In addition to the general standards as set forth in Section 006 above, the following conditions shall apply:

5-1202

Additional Standards for Retail Sales Establishment and Shopping Center 5,000 to 20,000 Square Feet in the C-1 District

- ~~1. Administrative permit may be approved for uses where: A. Buildings or uses exceeding 5,000 shall be designed such that the mass and treatment of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the mass of multiple smaller buildings rather than one single large building.~~
- ~~— B. Building height shall not exceed two stories.~~
- ~~— C. To the extent feasible, parking shall be located to the side and rear of buildings.~~
- ~~— D. All such uses shall be designed to conform with the Comprehensive Plan.~~

~~In instances where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.~~

1. The development contributes to creation of a neighborhood-scaled, pedestrian oriented character.
2. Building/Shopping Center up to 100,000 Square Feet in Size: may only be approved by Special Exception provided that in addition to the general standards of Section 006:
 - A. No individual building footprint shall exceed 15,000 square feet.
 - B. No individual building size shall exceed 25,000 square feet.
 - C. The amount of first-floor space shall not exceed 50,000 square feet.
 - D. Buildings facing public streets shall be primarily at least ~~functional~~ stories and no less than 25 feet in height, including some buildings with two functional stories.
 - E. Any historic structures located on the property, as determined by the Board, shall be preserved and incorporated into the proposed development.

5-1305

Additional Standards for Office 5,000 Sq. Ft. to 20,000 Sq. Ft. in the C-1 District

- ~~1. An Administrative permit may be approved for uses where:~~
 - ~~A. Buildings exceeding 5,000 square feet in size are designed such that the mass of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the effect of multiple smaller buildings rather than one single large building.~~
 - ~~B. Building height does not exceed two stories.~~
 - ~~C. Parking is located to the side and rear of buildings.~~
 - ~~D. Uses are designed to conform with the Comprehensive Plan.~~
- ~~2. Where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.~~

	SITE PLAN	RC	RA	RR- 2	V	R- 1	R- 2	R- 3	R- 4	TH	GA	MDP	C-1	C-2	C-3	CV	I- 1	I- 2
3-312 COMMERCIAL RETAIL																		
(CATEGORY 12)																		
1. Antique shops less than 3,000 sq. ft.	X		SP	SP	SP								P	P	P	P		
2. Retail sales and rental establishment and shopping center less than 5,000 sq. ft.	X												P	P	P	P		
3. Retail sales and rental establishment and shopping center 5,000 to 20,000 sq. ft.	X												A/SP	P	P	SP		
4. Retail sales establishment and shopping center 20,000 to 50,000 sq. ft.	X												SP	P	P	SP		
5. <u>Retail sales establishment and shopping center 50,000 to 100,000 sq. ft.</u>	<u>X</u>												<u>SE</u>	<u>SE</u>	<u>SE</u>			
5. <u>6</u> Retail sales establishment and shopping center more than <u>5100,000</u> sq. ft.	X													SE	SE			
-6. <u>7</u> Convenience store	X												P	P	P	SP	SP	
-7. <u>8</u> Retail sales in conjunction with Category 16 or 17 uses		SE	SE										SP ¹⁷	SP ¹⁷	SP ¹⁷		SP	SP
8. <u>9</u> Fuel yard, retail	X													SP				SP

USE LIMITATIONS		RC ^{2,9}	RA ^{2,9}	RR-2	V	R-1	R-2	R-3	R-4 ¹⁵	TH ¹ ₆	GA	M HP	C-1	C-2	C-3	C V	I-1	I-2
3-401	Maximum Density (DU/A) ¹	*	*	0.5	1. 4	0.9	2	3	4	7	13	8	-	-	-	-	-	-
3-402	Minimum Lot Size (acres or thousand sq.ft.)									1								
	1. Conventional	2a.	2a.	2a.	30	40	20	10. 5	10 1.8 townh ouse 5 single- family	8	-	3a.	15	30	8a.	20	1a.	2a.
	2. Cluster	30	30	30	10	25	10	8.5		-	-	-	-	-	-	-	-	-
3-403	Minimum Lot Width (Ft.)																	
	Conventional	400	300	200	90	135	90	80	70	-	-	40 ³	80	10 0	80	80	15 0	20 0
	Cluster	200	200	90	70	90	70	50	50									
3-404	Minimum Front Yard (Ft.) ^{4,10,11,12,17}																	
	Conventional									5								
	1. Local Collector	75	75	75	50	60	50	50	50	0	50	50	55 See §3-504.2	75	75	45	75	75
	2. Major Collector	90	90	90	65	75	65	65	65	5	65	65	70 See §3-504.2	90	90	60	90	90
	3. Major Thoroughfare	105	105	105	80	90	80	80	80	8	80	80	85 See §3-504.2	10	10	75	10	10
	4. On Arterial, Freeway or Route 215 within Service Districts	150	150	150		150	150	150	150									
	Cluster																	
	1. Local Collector	75	75	75	50	50	50	50	50									
	2. Major Collector	90	90	90	65	65	65	65	65									
	3. Major Thoroughfare	105	105	105	80	80	80	80	80									
	4. On Arterial, Freeway or Route 215 within Service Districts	15		15		15	15	15										
		0	150	0		0	0	0	150									
3-405	Minimum Side and Rear																	

Yard (Ft.)⁴

1. Residential Districts:

									1 5									
	Conventional	50	25	25	15	25	15	15 12 total, mini mum 5 per side	10 12 total, minimu m 5 per side	5	25	25	-	-	-	-	-	-
	Cluster	25	25	25	10	15	10											
	2. C or I Districts ⁶ (adjoining C or I District)	-	-	-	-	-	-	-	-	-	-	-	0 See §3-504.2	0	0	0	25	25
	3. C or I Districts (adjoining Rural or Residential Districts)	-	-	-	-	-	-	-	-	-	-	-	25 See §3-504.2	50	50	25	75	75
3-406	Maximum Building Height (Ft.) ⁷	35	35	35	35	35	35	35	35	3 5	35	20	35	65	60	35	45	45
3-407	Maximum Lot Coverage (%)	-	-	-	-	-	-	-	-	2 0	20	25	40	45	30	30	50	70
3-408	Minimum Open Space (%) ⁸																	
	1. Conventional	85	85	35	0	25	20	15	15	3 0	30	30	-	-	-	-	-	-
	2. Clustered	85	85	50	50	50	50	50	50	-	-	-	-	-	-	-	-	-
	3. Special Exception Permit ¹³	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3-409	Minimum Landscaped Green Space (%)	-	-	-	-	-	-	-	-	-	-	-	10	10	15	10	15	10
3-410	Minimum District Size (Acres)	-	-	50	-	-	-	-	-	-	-	10	2	5	10	-	5	10
3-411	Minimum Development Size (Acres)	-	-	-	-	-	-	-	-	-	-	10	-	-	10	-	-	-

*Sliding scale density as set forth in Section 2-308

AN ORDINANCE TO APPROVE A REZONING (REZN08-LE-005) OF APPROXIMATELY 97.13 ACRES FROM RURAL AGRICULTURE (RA), COMMERCIAL-NEIGHBORHOOD (C-1), AND RESIDENTIAL - 4 (R-4) TO THE MIXED USE SPECIAL DISTRICT - BEALETON SERVICE DISTRICT (MU-BEALETON) PIN #6990-10-5075-000, 6899-19-6609-000, 6899-29-1470-000, AND 6990-20-9359-000 LEE DISTRICT

A public hearing was held to consider an application to rezone 97 acres MOL to the Mixed Use - Bealeton District. The White Marsh project is proposed to be a mixed-use, walkable community. The proposal consists of a Mixed Use - Core of 25 acres and a Mixed Use - Residential area of 72 acres. Commercial uses include retail, office, hotel and assisted living/nursing home facilities. Institutional uses include a museum, church, and a day care. Housing types include single-family detached, townhouses, live-work and multi-family units. On December 9, 2009, the Planning Commission voted unanimously to recommend denial of a previous version of this application. Holly Meade, Senior Planner, summarized the application. Michael Mays, Center District, spoke in opposition to the application, citing concerns about increased density. Beverly Flanagan, Lee District; James Flanagan, Lee District; Gar Shulin, Marshall District; Carlotta Puckett, Lee District; Rodney Smith, Cedar Run District; Patricia Day James, Cedar Run District; and, Joel Barkman, Cedar Run District, spoke in support of the application. Chuck Floyd of Carson, Ashley & Associates, project manager for the White Marsh development project, requested favorable consideration of the application. Donald Tharpe, Applicant, Cedar Run District, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *Mr. Raymond E. Graham*

Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE A REZONING (REZN08-LE-005) OF APPROXIMATELY 97.13 ACRES FROM RURAL AGRICULTURE (RA), COMMERCIAL-NEIGHBORHOOD (C-1), AND RESIDENTIAL-4 (R-4) TO THE MIXED USE SPECIAL DISTRICT – BEALETON SERVICE DISTRICT (MU-BEALETON) – PIN #6990-10-5075-000, #6899-19-6609-000, #6899-29-1470-000, AND #6990-20-9359-000 – LEE DISTRICT

WHEREAS, Donald R. Tharpe, Trustee and Toll Land X Limited Partnership (Owners) / Donald R. Tharpe (Applicant) have initiated an application to amend the Fauquier County Zoning Map in accordance with the provision of Zoning Ordinance Section 13-202 to rezone approximately 97.13 to the Mixed Use Special District – Bealeton Service District (MU-Bealeton); and

WHEREAS, the parcels are within the Bealeton Service District and identified as PIN's #6990-10-5075-000, #6899-19-6609-000, #6899-29-1470-000, and #6990-20-9359-000; and

WHEREAS, the White Marsh Code of Development dated September 7, 2010, and proffers dated October 23, 2009, last revised September 7, 2010, will govern the development of the White Marsh project; and

WHEREAS, the White Marsh application complies with the Bealeton Service District Plan of the Fauquier County Comprehensive Plan; and

WHEREAS, the White Marsh application meets the requirements of the Zoning Ordinance related to Mixed Use Special District – Bealeton Service District (MU-Bealeton) and will provide a traditional neighborhood development incorporating neo-traditional design in the Bealeton Service District; and

WHEREAS, on December 9, 2009, the Fauquier County Planning Commission held the final public hearing on the Rezoning request and recommended denial of a different version of this application; and

WHEREAS, on December 9, 2009, the Fauquier County Planning Commission identified numerous areas of concern that needed to be addressed before the project should be approved; and

WHEREAS, the applicant has worked closely with staff to successfully address the issues identified by the Planning Commission; and

WHEREAS, on June 10, 2010, the Fauquier County Board of Supervisors held a work session on the Rezoning request; and

WHEREAS, on July 8, 2010 and September 9, 2010, the Fauquier County Board of Supervisors held public hearings on this Rezoning request and considered both oral and written testimony; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice are satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of September 2010, That the Rezoning request (REZN08-LE-005), to change the Zoning Map designation of parcels identified as PIN's #6990-10-5075-000, #6899-19-6609-000, #6899-29-1470-000, and #6990-20-9359-000 to Mixed Use Special District – Bealeton Service District, be, and is hereby, approved subject to the White Marsh Code of Development dated September 7, 2010, Generalized Development Plan dated June 30, 2009, last revised August 12, 2010, and Proffer Statement dated October 23, 2009, last revised September 7, 2010.

A RESOLUTION TO APPROVE SPEX10-SC-016, SPEX10-SC-024 AND WVRT10-SC-004 -MICHAEL F. THOMSON OWNER / APPLICANT) - A CATEGORY 29 SPECIAL EXCEPTION TO WAIVE THE PUBLIC STREET REQUIREMENT, A CATEGORY 31 SPECIAL EXCEPTION TO WAIVE THE PUBLIC WATER REQUIREMENT, AND A TECHNICAL WAIVER TO WAIVE THE HYDROGEOLOGIC TESTING REQUIREMENT TO ALLOW FOR THE CREATION OF ONE LOT - PIN #7906-15-4950-000, SCOTT DISTRICT

A public hearing was held to consider an application seeking the approval of two Special Exceptions and a Technical Waiver in order to create one new lot. The applicant is interested in subdividing his approximately 5.06-acre parcel into two lots through the Preliminary Plat process. The Preliminary Plat is not part of this application. The applicant has agreed to deed restrict these two parcels from future subdivision, thus eliminating two development rights. The property is located at 6328 Georgetown Road (Route 674). The Planning Commission unanimously recommended approval of these applications. Susan Eddy, Chief of Planning, summarized the applications. Charles Burns, Scott District, an adjacent property owner, spoke in opposition to the applications. Chuck Floyd of Carson, Ashley & Associates, requested favorable consideration of the applications, and stated that the applicant is agreeable to postponement of this matter. Anna Atchley, Scott District, an adjacent property owner, spoke in opposition to the applications. Todd Benson, representing the Piedmont Environmental Council, spoke in opposition to the applications. No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone action on this matter until the next regular meeting on October 14, 2010. Mr. Schwartz seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

A RESOLUTION TO APPROVE SPEX10-SC-021, SPEX11-SC-001, AND SPPT10-SC-026 - MOUNTAINSIDE MONTESSORI SCHOOL (BELVOIR ROAD) - A CATEGORY 5 SPECIAL EXCEPTION TO OPERATE A PRIMARY SCHOOL; A CATEGORY 5 SPECIAL PERMIT TO OPERATE A PRESCHOOL; AND A CATEGORY 30 SPECIAL EXCEPTION TO WAIVE THE PUBLIC SEWER REQUIREMENT AT THE SITE - PIN #6979-68-0106-000 AND 6979-68-1478-000, SCOTT DISTRICT

A public hearing was held to consider an application to operate a Montessori preschool and primary school at a new location within the Marshall Service District. The proposal is for a school with a maximum of 160 students, ages eighteen months to fourteen years. The plan includes relocating the preschool from its current facility that is outside the service district. On August 26, 2010, the Planning Commission unanimously voted to forward this item to the Board of Supervisors with a recommendation of approval. Melissa Dargis, Assistant Chief of Planning, summarized the application. Merle Fallon, Esquire, requested favorable consideration on behalf of the applicant and asked the Board of Supervisors to act tonight on this matter. Edel Kunkel, Applicant, Marshall District, requested favorable consideration of the application. No one else

spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Resolution. Mr. Schwartz seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *Mr. Raymond E. Graham*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-SC-021, SPEX11-SC-001, & SPPT10-SC-026 – MOUNTAINSIDE MONTESSORI SCHOOL (BELVOIR ROAD) – A CATEGORY 5 SPECIAL EXCEPTION TO OPERATE A PRIMARY SCHOOL; A CATEGORY 5 SPECIAL PERMIT TO OPERATE A PRESCHOOL; AND A CATEGORY 30 SPECIAL EXCEPTION TO WAIVE THE PUBLIC SEWER REQUIREMENT AT THE SITE – PIN #6979-68-0106-000 AND #6979-68-1478-000, SCOTT DISTRICT

WHEREAS, Karen M. Kennedy, owner, and Mountainside Montessori, a Virginia Nonstock Corporation, applicant, are seeking Special Exception approval of a Category 5 Special Exception (SPEX10-SC-021) and a Special Permit (SPPT11-SC-026) to operate a preschool and elementary school and a Category 30 Special Exception (SPEX11-SC-001) to waive the public sewer requirements at the site located at 4206 Belvoir Road (Route 709) (PINs #6979-68-0106-000 and #6979-68-1478-000); and

WHEREAS, on July 29, 2010 and August 27, 2010, the Fauquier County Planning Commission held public hearings on the Special Exception and Special Permit requests and unanimously recommended that the applications be approved, subject to conditions; and

WHEREAS, on September 9, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the applications satisfy the standards of Zoning Ordinance Articles 5-006, 5-500 and 5-3000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That SPEX10-SC-021, SPPT10-SC-026, SPEX11-SC-001, be, and are hereby, approved, subject to the following conditions:

1. The Special Exceptions and Special Permit are granted to operate a preschool and primary school pursuant to Sections 3-305.1 and 3-305.2 of the Zoning Ordinance and to waive connection to the Public Sewer System pursuant to Section 3-330 of the Zoning Ordinance. The use and site shall be in general conformance with the information submitted with the application and as shown on the “Special Exception Plat for Mountainside Montessori School,” sealed on August 25, 2010 and as modified on September 3, 2010 and received in the Planning Office on September 3, 2010, except as

specifically modified by these development conditions or as necessary to meet Zoning Ordinance requirements.

2. The Special Exceptions and Special Permit shall be valid for ten (10) years from the date of Board of Supervisors' approval, and shall then be eligible for three 10-year administrative renewals from the Zoning Administrator.
3. The maximum number of students approved at the Preschool and Primary School shall be 160.
4. Children who attend the school shall be a minimum of 18 months old. The maximum age of children attending the school is fourteen (14) years of age; this means children shall be aged 14 or younger at the beginning of each school year.
5. Regular hours of operation for the school shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday. A before and after school program primarily for students at the school shall be allowed if operated within this established time-frame.
6. Two (2) weekend activities per month and three (3) weekday after hours activities per month are authorized to occur outside of regular operating hours, plus routine Parent/Child Night, Back-to-School Night or Parent Education Sessions. The aforementioned events shall conclude no later than 10:00 p.m.
7. The aesthetic and character of existing structures on the site shall be maintained; the new "proposed school building" and "future classroom building" shall be of similar aesthetic and character to the elevation for the proposed new school building, as shown on the Special Exception/Special Permit plat, Sheet 3.
8. The "future farm school" building shall be designed to look like a residential structure and shall be similar in appearance to the residences in the area; alternatively it may be designed to look like an agricultural building.
9. New construction on-site shall be limited to the following: one single story school building, not to exceed 5,000 square feet located behind the existing house on the site; an additional single story classroom building located southwest of the existing house, not to exceed 3,000 square feet; and a single story "farm school" classroom building located in front of the existing house, as identified on the plat, not to exceed 2,500 square feet.
10. The existing house shall be allowed to be maintained as a residence or it may be converted for school use if brought up to appropriate building code standards, per the Fauquier County Building Official. The two existing outbuildings on the site shall also meet building code requirements, as necessary, prior to any school use.
11. The "future amphitheater" shall be located in the area shown on the Special Exception/Special Permit plat.
12. There shall be no amplified sound or outward directed lighting at the amphitheater.

13. Use of the amphitheater shall be limited to members of the school community such as students, parents, teachers, etc.
14. For additional screening and noise attenuation for the amphitheater, an earthen berm shall be installed with an additional tree buffer area. The additional tree buffer shall be 100 feet wide and shall be installed in the area shown on the Special Exception/Special Permit Sheet 4, Landscaping and Lighting Plan.
15. The riding ring may be used as a riding ring in conjunction with the school use.
16. Signage at the site shall be limited to one monument sign no more than six (6) feet in height and twenty-four (24) square feet in size, or one projecting sign of no more than six (6) feet in height and nine (9) square feet in size.
17. The use is authorized to utilize an on-site septic system, with the maximum capacity of the system not to exceed 1,200 gallons per day. The septic and well on-site shall meet all VDH regulations. The waiver to connect to the public sewer system is granted only in conjunction with the time period of this special permit and special exception, including the administrative renewals.
18. The entrance shall comply with the VDOT Standards for Commercial Entrances.
19. Canopy trees shall be planted along the Belvoir Road frontage of the front property line and spaced a maximum of thirty (30) feet on center. These canopy trees shall be counted toward the broader Zoning Ordinance requirements for a Front Buffer Yard. Shrubs and understory trees shall be located closer to the road and power line; canopy trees shall be located farther away from the road to stay outside of overhead utility easement.
20. To protect the character of the surrounding area, no new non-agricultural buildings, recreational/sports fields or children's playground equipment shall be permitted within 200 feet of the edge of the property fronting Belvoir Road. However, this area may be used for outdoor school activities.
21. The location of electrical power access shall be provided in a manner such as to not damage or remove the existing mature trees that are located along the driveway of the property.
22. A Boundary Line Adjustment to dissolve the internal property lines shall be recorded prior to approval of the Site Plan.
23. No subdivision of the property shall be made so long as an operational school is located on the site.

A RESOLUTION TO CONSIDER SPEX10-MA-020 AND SPPT11-MA-003 - MOUNTAINSIDE MONTESSORI SCHOOL (JOHN BARTON PAYNE ROAD) - A CATEGORY 5 SPECIAL EXCEPTION TO ALLOW A PRIMARY SCHOOL, ON A TEMPORARY BASIS, AT THE CURRENT PRESCHOOL LOCATION. APPLICANT ALSO WISHES TO AMEND A CATEGORY 5 SPECIAL PERMIT IN ORDER TO OPERATE THE EXISTING PRESCHOOL IN CONJUNCTION WITH THE PROPOSED ELEMENTARY SCHOOL - PIN #6947-10-9444-000, MARSHALL DISTRICT

A public hearing was held to consider an application submitted by Mountainside Montessori School for temporary approval for a Category 5 Special Exception to allow primary school aged children to attend the preschool currently located at John Barton Payne Road. The applicant does not propose any changes to the existing facilities on-site or to the hours of operation. The overall maximum number of students would remain at forty (40). The school has an approved Special Permit for the preschool. The applicant is not requesting any changes to the Special Permit; however, the Category 5 Special Permit standards are being reviewed in light of the new proposed primary school use, to determine if the use is still compatible. On July 29, 2010, the Planning Commission voted 3-2 to recommend approval of the Special Exception and voted unanimously to recommend approval of the Special Permit. Please note two resolutions have been prepared. Melissa Dargis, Assistant Chief of Planning, summarized the application. Merle Fallon, Esquire, representing the Applicant, requested favorable consideration of the application; Ben Cooper, Marshall District, spoke in opposition to the application and stated he represented contiguous neighbors. Edel Kunkel, Applicant, requested favorable consideration of the application. Stacie Griffin, Marshall District; Linda Wine, Marshall District; Joseph Davis, Marshall District; and Patricia Detrich, Marshall District, spoke in favor of the application. Bill Clarke, Marshall District, stated he was opposed to the application because of land use conflicts and added that having a time limit on the special exception was a good compromise; Mark Hill, Marshall District; and Josephine Jefferson, Marshall District, spoke in favor of the application. Mike Cortiella, Marshall District, spoke in opposition to the application. Janelle Stern, Marshall District; Karen Long, Marshall District; Michael Amster, Lee District; Diane Harrington, Marshall District; Sherry Hayes, Center District; and Valerie Amster, School Administrator, spoke in support of the application. No one else spoke. The public hearing was closed.

Mr. Schwartz moved to deny the Special Exception (SPEX10-MA-020) that would allow the use of the John Barton Payne Road location for the coming year for the older students, and to approve the Special Permit (SPPT-MA-003) previously granted by the Board of Zoning Appeals on October 4, 2007, to allow the preschool to continue to operate. Mr. Trumbo seconded and, following discussion, the vote for the motion was tied 2 to 2 as follows:

<i>Ayes:</i>	<i>Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz</i>
<i>Nays:</i>	<i>Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

Mr. Trumbo then moved to postpone consideration of Special Exception (SPEX10-MA-020) and Special Permit (SPPT-MA-003) until the next regularly scheduled meeting on October 14, 2010. Mr. Nyhous seconded and the vote for the motion was 3 to 1 as follows:

Ayes: Mr. Terrence L. Nyhous; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: Mr. Peter B. Schwartz
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

A RESOLUTION TO APPROVE CPAM10-LE-005 - A COMPREHENSIVE PLAN AMENDMENT TO ADD 10.888 ACRES DESCRIBED AS PIN #6887-66-2431-000, 6887-66-2176-000, 6887-65-4927-000, A PORTION OF 6887-55-9812-000, A PORTION OF 6887-66-6080-000, AND A PORTION OF 6887-66-9152-000, TO THE REMINGTON SERVICE DISTRICT WITH A DESIGNATION OF INDUSTRIAL USE AND TO CHANGE THE DESIGNATION ON 5.26 ACRES DESCRIBED AS PIN #6887-66-7397-000, 6887-66-5420-000, 6887-66-7640-000 AND A PORTION OF 6887-66-0512-000 CURRENTLY WITHIN THE REMINGTON SERVICE DISTRICT FROM LOW DENSITY RESIDENTIAL (1-3 UNITS PER ACRE) USE TO INDUSTRIAL USE

A public hearing was held to consider a Comprehensive Plan Amendment that proposes to add approximately 10.888 acres to the Remington Service District with the designation of Industrial use and convert 5.26 acres currently in the Remington Service District from Residential use to Industrial use. The proposed amendment to the Remington Land Use Plan map, figure 6-RE-2, is included as an attachment in the staff report dated September 9, 2010. On July 29, 2010, the Planning Commission voted 4 to 1 to recommend approval of this comprehensive Plan Amendment. Holly Meade, Senior Planner, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Resolution. Mr. Nyhous seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE CPAM10-LE-005 – A COMPREHENSIVE PLAN AMENDMENT TO ADD 10.888 ACRES DESCRIBED AS PIN #6887-66-2431-000, 6887-66-2176-000, 6887-65-4927-000, A PORTION OF 6887-55-9812-000, A PORTION OF 6887-66-6080-000, AND A PORTION OF 6887-66-9152-000, TO THE REMINGTON SERVICE DISTRICT WITH A DESIGNATION OF INDUSTRIAL USE AND TO CHANGE THE DESIGNATION ON 5.26 ACRES DESCRIBED AS PIN #6887-66-7397-000, 6887-66-5420-000, 6887-66-7640-000 AND A PORTION OF 6887-66-0512-000 CURRENTLY WITHIN THE REMINGTON SERVICE DISTRICT FROM LOW DENSITY RESIDENTIAL (1-3 UNITS PER ACRE) USE TO INDUSTRIAL USE

WHEREAS, on June 10, 2010, the Fauquier County Board of Supervisors initiated this amendment; and

WHEREAS, on July 29, 2010, the Fauquier County Planning Commission held a public hearing on this amendment; and

WHEREAS, on September 9, 2010, the Fauquier County Board of Supervisors held a public hearing on this amendment and recommended approval; and

WHEREAS, adoption of the attached amendment to Comprehensive Plan Chapter 6 – Service Districts – Remington Plan, clarifies the Industrial vision for this area of the Remington Service District, while giving consideration to the existing use of the property and character of the area; and

WHEREAS, adoption of the attached amendment to Comprehensive Plan Chapter 6 – Service Districts – Remington Plan, supports good planning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of September 2010, That Comprehensive Plan Chapter 6 – Service Districts – Remington Service District Plan, be, and is hereby, amended as follows:

Add the following language to #3, Land Use Plan

Industrial Land Use:

Traditional towns often have small pockets of randomly located light industrial land uses. Small lots help to contain the industrial use and thereby minimize impacts on adjacent residential neighbors. If industrial uses are considered in service districts that replicate these historical patterns of development, industrial operations greater than 3-5 acres must be heavily buffered and the uses strictly regulated to ensure there are no harmful environmental and quality of life impacts rendered on surrounding residential neighborhoods. Customized regulations may include but not be limited to the following (restricted hours of operation, specified transportation access agreements, environmental regulations to ensure safe groundwater, noise attenuation, etc.) Heavy landscape buffers are required within the industrial property.

Amend the following chart #4, Remington Land Uses, Table 6-RE-1

Land Use Category	Developed Acres	Undeveloped Acres	Total Acres
Commercial		26	26
Mixed Use		44	44
Industrial	30 47	93	123 140
Residential High	15	8	23
Residential Medium	11	31	42
Residential Low	186	942 937	1128 1123
Total	242 259	1144 1139	1386 1398

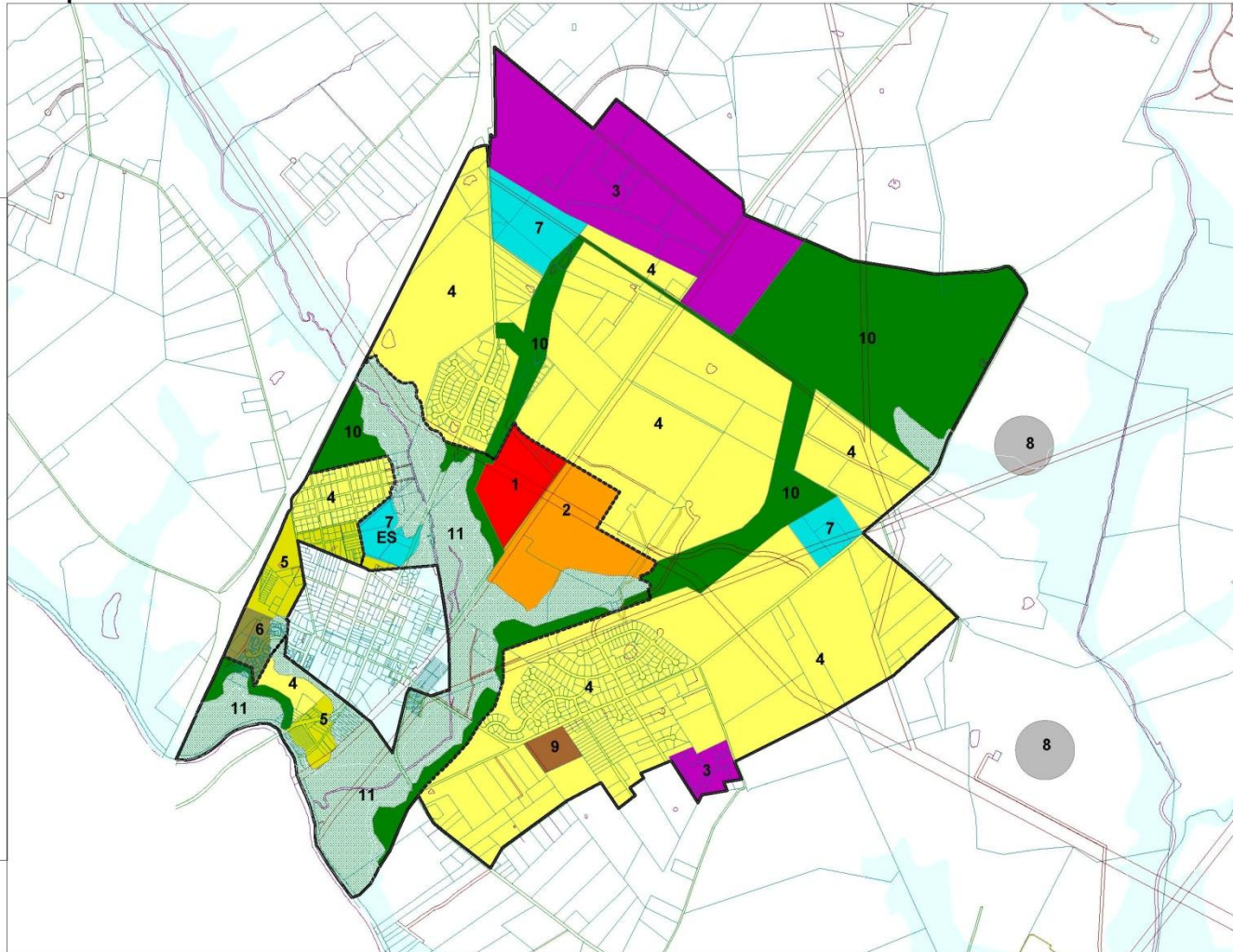
Comprehensive Plan Amendment

Remington Service District

LAND USE LEGEND

- **1 Commercial**
 - **2 Mixed Use**
 - **3 Industrial**
 - **4 Low Density Residential:
1-3 Units Per Acre**
 - **5 Medium Density Residential:
4 - 6 Units Per Acre**
 - **6 High Density Residential:
7 - 20 Units Per Acre**
 - **7 School**
 - **8 Electrical Peaking Facility**
 - **9 Wastewater Treatment Facility**
 - **10 Park / Open Space**
 - **11 Park / Open Space / Floodplain**
 - FEMA Floodplain
 - Service District Boundary
 - Proposed Town Limits
- Fauquier County
GIS Department**

Updated 05/19/10
Scale : 1 Inch = 1600 Feet.



With no further business, the meeting was adjourned at 10:08 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on September 9, 2010.

Paul S. McCulla
Clerk to the Board of Supervisors